UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,129	08/21/2001	Limor Schweitzer	XACTP014A	9608

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EXAMINER
NGUYEN, HAI V

ART UNIT	PAPER NUMBER
2142	11

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/935,129	SCHWEITZER ET AL.
	Examiner	Art Unit	
	Hai V. Nguyen	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>22 January 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>32-49</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>32-49</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in response to the communication received on 22 January

2004.

2.   Claims 32-49 are presented for examination.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 32-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Agarwal et al. U.S. patent no. **5,958,010** in view of **Bruins** et al. U.S. patent no.

6,308,148 B1 and further in view of **Combar** et al. U.S. patent no. **6,470,386 B1**.

5.   As to claim 32, Agarwal discloses the invention as claimed, including a method

for reporting on the collection of network usage information from a plurality of network

devices, comprising:

(a) collecting network communications usage information in real-time from a

plurality of network devices at a plurality of layers utilizing multiple gatherers each

including a plurality of information source modules each interfacing with one of the

network devices and capable of communicating using a protocol specific to the network

device coupled thereto, the network devices selected from the group consisting of

routers, switches, firewalls, authentication servers, web hosts, proxy servers, netflow

servers, databases, mail servers, RADIUS servers, and domain name servers, the

gatherers being positioned on a segment of the network on which the network devices

coupled thereto are positioned for minimizing an impact of the gatherers on the network;

(Agarwal, Abstract, Fig. 2; col. 3, lines 1-32); However, Agarwal does not explicitly

disclose filtering and aggregating the network communications usage information. Thus,

the artisan would have been motivated to look into the related the network management

art for potential methods and systems for implementing the filtering and aggregating the

network communications usage information.

In the same field of endeavor, Bruins, related Network Flow Data Export,

discloses in an analogous art distributed data network. Bruins discloses in *Fig. 2 that a*

set of filters 230 (including at least one filter 230 and preferably a plurality of filters 230),

are coupled to the communication link 110, and received the flow data packets 220.

Each of filter 230 parses the floe data packets 220, and compares those flow data

packets 220 with a set of selected criteria to determine if those flow data packets 220

should be considered or should be filtered out of consideration…. An aggregator 240 is

coupled to each of the filters 230, and collects flow data packets 220 passed by its

associated filter 230. Thus, each of aggregators 240 collects a set of flow data packets

220 which relate to the criteria selected by its associated filter 230 and records

aggregated information relating to those flow data packets 220 at a storage element 250

(Bruins, col. 3, line 55 – col. 4, line 60).

Accordingly, it would have been obvious to one of ordinary skill in the networking

computing art at the time the invention was made to have incorporated Bruins'

teachings of filtering and aggregating data *(Bruins, Abstract; col. 3, lines 15-45; col. 3,*

line 55 – col. 4, line 60) with the teachings of Agarwal, *for the purpose of identifying useful information in the flow data and presenting that data to an operator to review and adjust features or parameters of the network (Bruins, col. 2, lines 35-45).*

Agarwal-Bruins discloses (c) completing a plurality of data records from the filtered and aggregated network communications usage information, the plurality of data records corresponding to network usage by a plurality of users *(Bruins, col. 5, line 1- col. 6, line 59)*;

Agarwal-Bruins discloses (d) storing the plurality of data records in a database *(Bruins, col. 5, line 1- col. 6, line 59)*;

Agarwal-Bruins discloses (e) allowing the selection of one of a plurality of reports for reporting purposes *(Bruins, col. 5, line 1- col. 6, line 64)*; However, Agarwal-Bruins does not explicitly disclose (f) submitting queries to the database utilizing the selected reports for retrieving information on the collection of the network usage information from the network devices. Thus, the artisan would have been motivated to look into the related the network management art for potential methods and systems for implementing the submitting queries to the database utilizing the selected reports for retrieving information on the collection of the network usage information from the network devices.

In the same field of endeavor, Combar, related Integrated Proxy Interface For Web Based Telecommunications Management Tools, discloses in an analogous art distributed data network. Combar discloses *in Fig. 10(a) that all data and security information is accessed by direct queries to a StarOE server database 283, such as*

provided by Informix. Once the customer is validated, at step 308a, b, the backplane objects requests a list of all the authorized applications from StarOE server, as indicated at step 310..., a "Get User Application Request " message is communicated to the StarOE server via the backplane which queries the Informix database to obtain a list of authorized application, i.e., services, for the user and which determines which buttons on the home page are active, thus controlling their access to products (Combar, col. 17, lines 10-36).

Accordingly, it would have been obvious to one of ordinary skill in the networking computing art at the time the invention was made to have incorporated Combar 's teachings of queries to database with the teachings of Agarwal-Bruins' teachings of collecting and filtering and aggregating data *(Agarwal, Abstract, col. 3, lines 9-32; Bruins, Abstract; col. 3, lines 15-45; col. 3, line 55 – col. 4, line 60), for the purpose of allowing customer (user) to access to all RTM functionality which the user is entitled to formulate and transmit requests and receive the results (Combar, col. 17, lines 43-65);* and

Agarwal-Bruins-Combar discloses (g) outputting a report based on the queries *(Combar, Fig. 4; col. 17, lines 10-65; col. 19, lines 20-65).*

6.   As to claim 33, Agarwal-Bruins-Combar discloses, further comprising submitting network activity queries to the database utilizing the selected reports for retrieving information on activity of the network *(Combar, Fig. 4; col. 17, lines 10-65; col. 19, lines 20-65).*

7.   As to claim 34, Agarwal-Bruins-Combar discloses, further comprising outputting a network activity report based on the network activity queries *(Combar, Fig. 4; col. 17, lines 10-65; col. 19, lines 20-65).*

8.   As to claim 35, Agarwal-Bruins-Combar discloses, further comprising submitting resource consumption queries to the database utilizing the selected reports for retrieving information on resource consumption in the network *(Agarwal, col. 3, lines 9-32; Combar, Fig. 4; col. 17, lines 10-65; col. 19, lines 20-65).*

9.   As to claim 36, Agarwal-Bruins-Combar discloses, further comprising outputting a resource consumption report based on the resource consumption queries *(Agarwal, col. 3, lines 9-32; Combar, Fig. 4; col. 17, lines 10-65; col. 19, lines 20-65).*

10.   As to claim 37, Agarwal-Bruins-Combar discloses, and further comprising generating an alert upon the occurrence of an event *(Agarwal, col. 3, line 65 – col. 4, line 26; col. 6, lines 10-30; Combar, col. 10, lines 49-60).*

11.   As to claim 38, Agarwal-Bruins-Combar discloses, wherein the alert is generated upon a value surpassing a predetermined amount *(Agarwal, col. 3, line 65 – col. 4, line 26; col. 6, lines 10-30; Combar, col. 10, lines 49-60).*

12.   As to claim 39, Agarwal-Bruins-Combar discloses, wherein the alert indicates that services should be ceased *(Agarwal, col. 3, line 65 – col. 4, line 26; col. 6, lines 10-30; Combar, col. 10, lines 49-60).*

13.   As to claim 40, Agarwal-Bruins-Combar discloses, wherein the alert indicates that services should be provided *(Agarwal, col. 3, line 65 – col. 4, line 26; col. 6, lines 10-30; Combar, col. 10, lines 49-60).*

14.   As to claim 41, Agarwal-Bruins-Combar discloses, wherein the report includes an auditing report *(Agarwal, col. 3, line 65 – col. 4, line 26; col. 6, lines 10-30; Combar, col. 10, lines 49-60).*

15.   As to claim 42, Agarwal-Bruins-Combar discloses, wherein the report includes a billing report *(Agarwal, col. 3, line 65 – col. 4, line 26; col. 6, lines 10-30; Combar, col. 10, lines 49-60).*

16.   As to claim 43, Agarwal-Bruins-Combar discloses, wherein the report includes an accounting report *(Agarwal, col. 3, line 65 – col. 4, line 26; col. 6, lines 10-30; Combar, col. 10, lines 49-60).*

17.   Claim 44 is corresponding computer program product residing on computer readable medium claim of claim 32; therefore, it is rejected under the same rationale above.

18.   Claim 45 is corresponding system claim of claim 32; therefore, it is rejected under the same rationale above.

19.   Claim 46 is substantially the same as claims 32-37 and is thus rejected for the reasons set for those in the rejection of claims 32-37.

20.   Claims 47-49 are substantially the same as claims 38-40 and is thus rejected for the reasons set for those in the rejection of claims 38-40.

21.   Further references of interest are cited on Form PTO-892, which is an

attachment to this action.

22.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-

0276. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

         If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

         Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

JACK B. HARVEY
SUPERVISORY PATENT EXAMINER

Hai V. Nguyen
Examiner
Art Unit 2142